

House Study Bill 29 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ALONS)

A BILL FOR

1 An Act creating veterans bonus funds for military service
2 during certain military conflicts in Lebanon, Grenada, and
3 Panama, and for service during certain military conflicts in
4 the Persian Gulf, and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35A.8, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. *a.* The executive director shall
4 provide for the administration of the bonuses authorized
5 in this subsection. The department shall adopt rules,
6 pursuant to chapter 17A, as necessary to administer this
7 subsection including but not limited to application procedures,
8 investigation, approval or disapproval, and payment of claims.
9 *b.* A Lebanon, Grenada, and Panama veterans bonus fund
10 is created in the state treasury. The Lebanon, Grenada,
11 and Panama veterans bonus fund shall consist of all moneys
12 appropriated to the fund to pay the bonus compensation
13 authorized in section 35A.8B. Notwithstanding section 12C.7,
14 interest or earnings on investments or time deposits of the
15 moneys in the Lebanon, Grenada, and Panama veterans bonus
16 fund shall be credited to the bonus fund. Section 8.33 does
17 not apply to moneys appropriated to the Lebanon, Grenada, and
18 Panama veterans bonus fund.

19 *c.* A Persian Gulf veterans bonus fund is created in the
20 state treasury. The Persian Gulf veterans bonus fund shall
21 consist of all moneys appropriated to the fund to pay the bonus
22 compensation authorized in section 35A.8C. Notwithstanding
23 section 12C.7, interest or earnings on investments or time
24 deposits of the moneys in the Persian Gulf veterans bonus fund
25 shall be credited to the bonus fund. Section 8.33 does not
26 apply to moneys appropriated to the Persian Gulf veterans bonus
27 fund.

28 Sec. 2. NEW SECTION. 35A.8B Lebanon, Grenada, and Panama
29 veterans bonus — limited residency requirement — penalty.

30 1. *a.* A person who served on active duty for not less
31 than one hundred twenty days in the armed forces of the United
32 States at any time between August 24, 1982, and July 31, 1984,
33 both dates inclusive, or between December 20, 1989, and January
34 31, 1990, both dates inclusive, and who was inducted into
35 federal active duty from the state of Iowa and was honorably

1 discharged or separated from federal active duty, or is still
2 on active duty in an honorable status, or has been retired,
3 or has been furloughed to a reserve, or has been placed on
4 inactive status is entitled to receive from moneys appropriated
5 for that purpose the sum of seventeen dollars and fifty cents
6 for each month that the person was on federal active duty
7 in a conflict service area, within the dates specified in
8 this paragraph. Compensation under this paragraph shall not
9 exceed a total sum of five hundred dollars. Compensation for a
10 fraction of a month shall not be considered unless the fraction
11 is sixteen days or more, in which case the fraction shall be
12 computed as a full month.

13 *b.* A person otherwise qualified under paragraph "a", except
14 that the person was not present in a conflict service area
15 during the period between August 24, 1982, and July 31, 1984,
16 both dates inclusive, or between December 20, 1989, and January
17 31, 1990, both dates inclusive, is entitled to receive from
18 moneys appropriated for that purpose the sum of twelve dollars
19 and fifty cents for each month that the person was on federal
20 active duty, within the dates specified in paragraph "a".
21 Compensation under this paragraph shall not exceed a total sum
22 of three hundred dollars. Compensation for a fraction of a
23 month shall not be considered unless the fraction is sixteen
24 days or more, in which case the fraction shall be computed as
25 a full month.

26 *c.* The department shall adopt rules pursuant to chapter 17A
27 providing for the definition of a conflict service area.

28 2. A person otherwise eligible to receive compensation
29 pursuant to subsection 1 shall be entitled to compensation
30 pursuant to this section if all of the following requirements
31 are met:

32 *a.* The person has not received a bonus or compensation
33 similar to that provided in this section from this state or
34 another state.

35 *b.* The person was on active duty service after August

1 24, 1982, and the person did not refuse on conscientious,
2 political, religious, or other grounds, to be subject to
3 military discipline.

4 c. The person files an application for compensation under
5 this section in a manner determined by the department of
6 veterans affairs by July 1, 2015.

7 3. The surviving unremarried widow or widower, child or
8 children, mother, father, or person standing in loco parentis,
9 in the order named and none other, of any deceased person shall
10 be paid the compensation that the deceased person would be
11 entitled to pursuant to this section, if living. However,
12 if any person has died or shall die, or is disabled, from
13 service-connected causes incurred during the period and in the
14 area from which the person is entitled to receive compensation
15 pursuant to this section, the person or the first survivor as
16 designated by this subsection, and in the order named, shall be
17 paid five hundred dollars or three hundred dollars, whichever
18 maximum amount would have applied pursuant to subsection 1,
19 paragraph "a" or "b", regardless of the length of service.

20 4. A person who knowingly makes a false statement relating
21 to a material fact in supporting an application under this
22 section is guilty of a serious misdemeanor. A person convicted
23 pursuant to this section shall forfeit all benefits to which
24 the person may have been entitled under this section.

25 5. All payments and allowances made under this section shall
26 be exempt from taxation, levy, and sale on execution.

27 6. The bonus compensation authorized under this section
28 shall be paid from moneys in the Lebanon, Grenada, and Panama
29 veterans bonus fund.

30 7. The executive director of the department of veterans
31 affairs shall provide for the administration of the bonus
32 authorized in this section. The department shall adopt rules,
33 pursuant to chapter 17A, as necessary to administer this
34 section including but not limited to application procedures,
35 investigation, approval or disapproval, and payment of claims.

1 The department may expend up to one percent of the moneys
2 appropriated for the bonus compensation authorized under
3 this section for administrative costs associated with the
4 requirements of this section.

5 8. This section is repealed June 30, 2016.

6 Sec. 3. NEW SECTION. 35A.8C Persian Gulf veterans bonus —
7 limited residency requirement — penalty.

8 1. a. A person who served on active duty for not less
9 than one hundred twenty days in the armed forces of the United
10 States at any time between January 31, 1990, and February
11 28, 1991, both dates inclusive, and who was inducted into
12 federal active duty from the state of Iowa and was honorably
13 discharged or separated from federal active duty, or is still
14 on active duty in an honorable status, or has been retired,
15 or has been furloughed to a reserve, or has been placed on
16 inactive status is entitled to receive from moneys appropriated
17 for that purpose the sum of seventeen dollars and fifty cents
18 for each month that the person was on federal active duty
19 in the conflict service area, within the dates specified in
20 this paragraph. Compensation under this paragraph shall not
21 exceed a total sum of five hundred dollars. Compensation for a
22 fraction of a month shall not be considered unless the fraction
23 is sixteen days or more, in which case the fraction shall be
24 computed as a full month.

25 b. A person otherwise qualified under paragraph "a", except
26 that the person was not present in a conflict service area
27 during the period between January 31, 1990, and February 28,
28 1991, both dates inclusive, is entitled to receive from moneys
29 appropriated for that purpose the sum of twelve dollars and
30 fifty cents for each month that the person was on federal
31 active duty, within the dates specified in paragraph "a".
32 Compensation under this paragraph shall not exceed a total sum
33 of three hundred dollars. Compensation for a fraction of a
34 month shall not be considered unless the fraction is sixteen
35 days or more, in which case the fraction shall be computed as

1 a full month.

2 *c.* The department shall adopt rules pursuant to chapter 17A
3 providing for the definition of a conflict service area.

4 2. A person otherwise eligible to receive compensation
5 pursuant to subsection 1 shall be entitled to compensation
6 pursuant to this section if all of the following requirements
7 are met:

8 *a.* The person has not received a bonus or compensation
9 similar to that provided in this section from this state or
10 another state.

11 *b.* The person was on federal active duty after January
12 31, 1990, and the person did not refuse on conscientious,
13 political, religious, or other grounds, to be subject to
14 military discipline.

15 *c.* The person files an application for compensation under
16 this section in a manner determined by the department of
17 veterans affairs by July 1, 2015.

18 3. The surviving unremarried widow or widower, child or
19 children, mother, father, or person standing in loco parentis,
20 in the order named and none other, of any deceased person shall
21 be paid the compensation that the deceased person would be
22 entitled to pursuant to this section, if living. However,
23 if any person has died or shall die, or is disabled, from
24 service-connected causes incurred during the period and in the
25 area from which the person is entitled to receive compensation
26 pursuant to this section, the person or the first survivor as
27 designated by this subsection, and in the order named, shall be
28 paid five hundred dollars or three hundred dollars, whichever
29 maximum amount would have applied pursuant to subsection 1,
30 paragraph "a" or "b", regardless of the length of service.

31 4. A person who knowingly makes a false statement relating
32 to a material fact in supporting an application under this
33 section is guilty of a serious misdemeanor. A person convicted
34 pursuant to this section shall forfeit all benefits to which
35 the person may have been entitled under this section.

1 5. All payments and allowances made under this section shall
2 be exempt from taxation, levy, and sale on execution.

3 6. The bonus compensation authorized under this section
4 shall be paid from moneys in the Persian Gulf veterans bonus
5 fund.

6 7. The executive director of the department of veterans
7 affairs shall provide for the administration of the bonus
8 authorized in this section. The department shall adopt rules,
9 pursuant to chapter 17A, as necessary to administer this
10 section including but not limited to application procedures,
11 investigation, approval or disapproval, and payment of claims.
12 The department may expend up to one percent of the moneys
13 appropriated for the bonus compensation authorized under
14 this section for administrative costs associated with the
15 requirements of this section.

16 8. This section is repealed June 30, 2016.

17 Sec. 4. Section 422.7, Code 2013, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 57. Subtract, to the extent included,
20 the amount of any Lebanon, Grenada, and Panama veterans bonus
21 provided pursuant to section 35A.8, subsection 4, and section
22 35A.8B.

23 NEW SUBSECTION. 58. Subtract, to the extent included, the
24 amount of any Persian Gulf veterans bonus provided pursuant to
25 section 35A.8, subsection 4, and section 35A.8C.

26 EXPLANATION

27 This bill provides for the creation of veterans bonus funds
28 within the state treasury for the provision of bonuses to
29 veterans of the United States military who served during the
30 period of certain conflicts.

31 The bonus funds would be available to certain members of the
32 United States armed forces who served in active duty during
33 the military conflicts in Lebanon, Grenada, Panama, and the
34 Persian Gulf. The bill creates one bonus fund for service
35 during the conflicts in Lebanon, Grenada, and Panama, and

1 creates a separate bonus fund for service during the conflict
2 in the Persian Gulf. The bill provides certain dates for the
3 periods of these conflicts. The bill provides that veterans
4 who served in conflict service areas during these periods will
5 receive a larger bonus for their service than veterans who did
6 not serve in a conflict service area. The bill provides for
7 the computation of such payments based upon months of service
8 either in or outside of a conflict service area. A person who
9 served in a conflict service area will not receive more than a
10 \$500 bonus and a person who did not serve in a conflict service
11 area will not receive more than a \$300 bonus from the funds.

12 The bill requires that a veteran must meet additional
13 requirements to qualify for a bonus. The person must not have
14 received a similar bonus from this state or any other state.
15 The person must not have refused to be subject to military
16 discipline on certain grounds. The bill also requires that the
17 person file an application by January 1, 2015, for the bonuses
18 from these funds in order to qualify.

19 Certain other persons including a surviving unremarried
20 widow or widower, child or children, mother, father, or person
21 standing in loco parentis of any deceased person shall be paid
22 the compensation that the deceased person would have been
23 entitled to. Payments for such compensation may be made to the
24 first survivor in the order named and none other. The bill
25 provides that upon certain service-related death or disability
26 that the veteran or first survivor will be paid the highest
27 possible contribution permitted to that individual allowed by
28 the funds.

29 The bill provides that knowingly making a false statement of
30 material fact supporting an application to receive these funds
31 is a serious misdemeanor. A serious misdemeanor is punishable
32 by confinement for no more than one year and a fine of at least
33 \$315 but not more than \$1,875. The bill also provides that a
34 conviction on such a charge would result in forfeiture of any
35 rights to collect from the funds.

H.F. _____

1 Moneys received from the funds are exempt from taxation,
2 levy, and sale on execution. The director of the department of
3 veterans affairs is to administer the fund and adopt rules as
4 necessary for the fund's administration.